

REMARKS

Claims 22-31 are all the claims pending in the application.

Claims 22 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Puuskari (U.S. Patent No. 6,728,208).

Claims 23-26 and 28-31 are objected to.

The Applicants traverse rejection and request reconsideration.

Rejections under section 102 (e)

The present invention, as recited in claims 22 and 27 requires an allocating section that allocates IP-QOS codes based on a combination of information contained in an IP packet header and a TCP header defined by an OSI reference model. The Examiner incorrectly alleges that Puuskari discloses such an allocating section.

Puuskari discloses each data packet carrying at least one QOS parameter. The scheduling and policing of the transmission is based on the QOS parameter in the packet. (See Puuskari 4:16-21). Puuskari also discloses that the QOS information in the data packets may be located in the packet header, in a lower layer protocol header or as part of the data itself. (See Puuskari 5:46-51).

However, Puuskari does not disclose an allocating section that allocates IP-QOS code based on a **combination of information contained in an IP packer header and a TCP header.**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...

claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Puuskari does not anticipate claims 22 and 27 at least because it does not disclose (or suggest) allocating IP-QOS codes based on a combination of information contained in an IP packet header and a TCP header. Therefore, the rejection of claims 22 and 27 under section 102(e) based on Puuskari must be withdrawn.

Claim Objections

The Examiner is requested to hold the status of claims 23-26 and 28-31 in abeyance pending resolution of the status of the base claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Patent Application No.: 09/752,520

Attorney Docket No.: Q62568

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Chid S. Iyer
Registration No. 43,355

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: May 12, 2006